



RECEIVED
CENTRAL FAX CENTER

FEB 16 2005

FOLEY & LARDNER LLP
ATTORNEYS AT LAW
11250 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130
P.O. BOX 80278
SAN DIEGO, CA 92138-0278
TELEPHONE: 858.847.6700
FACSIMILE: 858.792.6773
WWW.FOLEY.COM

FACSIMILE TRANSMISSION

Total # of Pages 17 (including this page)

TO:	PHONE #:	FAX #:
Examiner Sandra E. Saucier Group Art Unit 1651 Commissioner for Patents	(571) 272-0922	(703) 872-9306

From : Stephen B. Reiter <i>SR</i>
Email Address : sreiter@foley.com
Sender's Direct Dial : 858.847.6711
Date : February 16, 2005
Client/Matter No : 074066-0115
User ID No : 1877

MESSAGE:

U.S. Patent Application No. 10/066,285

Following are:

- 1) Amendment Transmittal with Petition for Extension of Time, in duplicate (6 pgs.)
- 2) Amendment and Reply Under 37 CFR 1.116 (9 pgs.)
- 3) Terminal Disclaimer (1 pg.)

If there are any problems with this transmission or if you have not
received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To: Mercedes F. "Ched" Dipasupil
-----------	------------	---

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

FEB 16 2005

Atty. Dkt. No. 074066-0115

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gregory M. Fahy

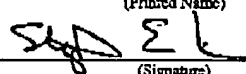
Title: POLYGLYCEROL AND
LACTOSE COMPOSITIONS FOR
THE PROTECTION OF LIVING
SYSTEMS FROM STATES OF
REDUCED METABOLISM

Appl. No.: 10/066,285

Filing Date: 02/01/2002

Examiner: Sandra E. Saucier

Art Unit: 1651

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
Stephen E. Reiter	
(Printed Name)	
	
(Signature)	
2/16/05	
(Date of Deposit)	

AMENDMENT TRANSMITTALMail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☒ Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.
- ☐ Assertion of Small Entity status is enclosed.
- ☒ Terminal Disclaimer.

In re application of
 Gregory M. Fahy
 Application No.: 10/066,285
 Page 2 of 3

Atty. Dkt. No. 074066-0115

☒ The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	8	-	38	=	0	x	\$50.00	=	\$0.00
Independent Claims:	1	-	4	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:		+					\$360.00	=	\$0.00
CLAIMS FEE TOTAL									= \$0.00

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input checked="" type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$120.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$120.00
<input checked="" type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$130.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$250.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$125.00
TOTAL FEE:		\$125.00

☒ Please charge Deposit Account No. 50-0872 in the amount of \$125.00. A duplicate copy of this transmittal is enclosed.

In re application of
Gregory M. Fahy
Application No.: 10/066,285
Page 3 of 3

Atty. Dkt. No. 074066-0115

- ☐ A check in the amount of \$575.00 is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date

2/16/05

By

Stephen E. Reiter

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6711
Facsimile: (858) 792-6773

Stephen E. Reiter
Attorney for Applicant
Registration No. 31,192

FEB. 16. 2005 5:27PM

FOLEY 8587926773

RECEIVED
CENTRAL FAX CENTER

NO. 2246 P. 5

FEB 16 2005

Atty. Dkt. No. 074066-0115

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gregory M. Fahy

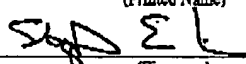
Title: POLYGLYCEROL AND
LACTOSE COMPOSITIONS FOR
THE PROTECTION OF LIVING
SYSTEMS FROM STATES OF
REDUCED METABOLISM

Appl. No.: 10/066,285

Filing Date: 02/01/2002

Examiner: Sandra E. Saucier

Art Unit: 1651

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. Stephen E. Raiter (Printed Name)  (Signature) 2/16/05 (Date of Deposit)

AMENDMENT TRANSMITTAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

- [X] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous
assertion of Small Entity status.
- [] Assertion of Small Entity status is enclosed.
- [X] Terminal Disclaimer.

In re application of
 Gregory M. Fahy
 Application No.: 10/066,285
 Page 2 of 3

Atty. Dkt. No. 074066-0115

☒ The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee	
Total Claims:	8	-	38	=	0	x	\$50.00	=	\$0.00	
Independent Claims:	1	-	4	=	0	x	\$200.00	=	\$0.00	
First presentation of any Multiple Dependent Claims:							+	\$360.00	=	\$0.00
CLAIMS FEE TOTAL									=	\$0.00

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input checked="" type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$120.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$120.00
<input checked="" type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$130.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$250.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$125.00
TOTAL FEE:		\$125.00

☒ Please charge Deposit Account No. 50-0872 in the amount of \$125.00. A duplicate copy of this transmittal is enclosed.

In re application of
Gregory M. Fahy
Application No.: 10/066,285
Page 3 of 3

Atty. Dkt. No. 074066-0115

- [] A check in the amount of \$575.00 is enclosed.
- [X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date

2/16/05

By

Stephen E. Reiter

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6711
Facsimile: (858) 792-6773

Stephen E. Reiter
Attorney for Applicant
Registration No. 31,192

**RECEIVED
CENTRAL FAX CENTER**

FEB 16 2005

Atty. Dkt. No. 074066-0115

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gregory M. Fahy

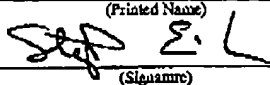
Title: Polyglycerol and Lactose
Compositions for the Protection of
Living Systems from States of
Reduced Metabolism

Appl. No.: 10/066,285

Filing Date: 02/01/2002

Examiner: Sandra E. Saucier

Art Unit: 1651

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. Stephen E. Reiter, Reg. No. 31,192 (Printed Name)  (Signature) February 16, 2005 (Date of Deposit)
--

AMENDMENT AND REPLY UNDER 37 CFR 1.116Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action mailed November 4, 2004, please consider the following amendments and remarks.

Amendments to the Claims are included in the Listing of Claims which begins on page 2 of this communication.

Remarks begin on page 7 of this communication.